

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT
DISTRICT OF NH
2019 MAR -6 PM 3:21

BROC T. WALTERMEYER,
Plaintiff,

FILED

VS.

Remedy ID No. 954588-F1
Remedy ID No. 954590-F1
Remedy ID No. 954592-F1

Robert Hazlewood, Warden,
Diane L. Kisler, Health Servs. Doctor.

MOTION AND MEMORANDUM BRIEF IN SUPPORT
OF MOTION FOR PRELIMINARY INJUNCTION RELIEF

TO THE HONORABLE RESIDING JUDGE:

COMES NOW Broc T. Waltermeyer, the Plaintiff, pro se, and respectfully files this motion and memorandum brief in support of motion for preliminary injunction relief pursuant to Federal Rule of Civil Procedure 65(a) because he is in serious need of serious medical attention that he is being denied here at F.C.I. Berlin. The Plaintiff has exhausted his Administrative Remedy process and the last Administrative Remedy the Plaintiff filed was a BP-11 with the Central Office in Washington, DC, he did not receive a response by the due date on the receipt. The Plaintiff did attach the last receipt from each of the Administrative Remedy Numbers listed above from all three BP-11 remedies. All three of these Administrative Remedies are in relation to the over-all issue which is a deliberate indifference for refusing to provide the Plaintiff with the appropriate medical care that is necessary because the Plaintiff is now likely to suffer irreparable harm in

the absence of preliminary relief. Based on the Plaintiff's serious health issues that will be set forth in details herein along with medical documents as exhibits attached hereto, the Plaintiff would be likely to succeed on the merits and therefore, the balance of equities should tip in the Plaintiff's favor and such preliminary injunction would be in the public interest.

ISSUE

The Plaintiff has been seen by an outside doctor concerning a big lump about the size of an hand-ball on his left shoulder and the doctor stated that the Plaintiff will need surgery to have it removed. Due to the Plaintiff's case of Hepatitis C., it is uncertain as to if the lump is cancerous or anything that may can be a serious harm and result in a cause of death by not timely treating and/or removing it soon. Regularly, the lump causes the Plaintiff's finger to benumbed and the doctor said that this is because of how heavy it is among other reasons. At this time, months have passed from the time that the Plaintiff saw the outside doctor and received this information. The Palintiff's assigned doctor here at F.C.I. Berlin have ignored the outside doctor's information and refused to schedule the Plaintiff to have surgery done. The Plaintiff have attached herein copies of e-mail request to Health Services here at F.C.I. Berlin concerning his health issues. See Exhibit "A"

Based on the outside doctor's determination, the defendants' cannot assert that the Plaintiff is making this complaint because he is being denied the ideal care of his choice because an inmate is not entitled to ideal care or the care of his choice. Kosilek v. Spencer, 889 F. Supp. 2d. at 199; also Sires v. Berman, 834 F.

2d. 9, 13, (1st Cir. 1987)). The Plaintiff is waiting on more records that will reveal the seriousness of his health condition and the need for surgery to remove the lump from his shoulder..., that could be cancer before its too late.

The Plaintiff asserts that Health Services here at F.C.I. Berlin denial of medical treatment to Plaintiff regarding chronic knee pain; hepatitis c; and surgery as determined by an outside doctor regarding the lump on Plaintiff's left should that could be cancer is a Eighth Amendment violation. See e.g., Layne v. Vinzant, 657 F.2d 468 (1st Cir. 1981); Rosen v. Chang, 758 F. Supp. 799(D.R.I. 1991). The Supreme Court has held that, "In order to state an Eighth Amendment claim for delayed or denied medical care, an inmate must allege 'acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs.'" Estelle v. Gamble, 429 U.S. 97, 106, 97 S. Ct. 285, 50 L. Ed. 2d 251 (1976). Health Services here at F.C.I. Berlin are fully aware the Plaintiff's health conditions through results of their on testing and therefore a "deliberate indifference" meaning "wanton" decisions to deny or delay care have occurred. Feeney v. Corr. Med. Services Inc., 464 F.3d 158, 162 (1st Cir. 2006) (citing Watson v. Caton, 984 F.2d 537, 540 (1st Cir. 1993)).

The ongoing pain that the Plaintiff continues to suffer from regarding his knee; the uncertainty as to the ongoing damage that that maybe increasing to a deadly status; and the lump on the Plaintiff's left shoulder that could be cancer are all health issues that are so painful and stressful to the point that it has shock the conscience of the Plaintiff. Id. (internal quotation omitted). Estelle, 429 U.S. at 104-105. Based on the fact that the

Plaintiff's health conditions, absent surgery and if not treated afterwards, could result in death, Health Services state of mind is akin to criminal recklessness, because Health Services and the Warden here at F.C.I. Berlin are fully aware of the Plaintiff's health conditions and yet, they are consciously disregarding a substantial risk of serious harm. Farmer v. Brennan, 511 U.S. 825, 114, S. Ct. 1970, 128 L. Ed. 2d 811 (1994); Mahan v. Plymouth Cnty. House of Corr., 64 F.3d 14 (1st Cir. 1995); and Kogut v. Katz, 187 F.3d 622 (1st Cir. 1998).

Exhibit "A" attached herein is the Plaintiff's medical document, from testing that Health Services here at F.C.I. Berlin and not only is Health Services here at F.C.I. Berlin aware of the fact that the Plaintiff has Hepatitis C., but they are also aware of the fact that the Plaintiff was receiving treatment under chronic care for it prior to his arrival at F.C.I. Berlin. Health Services here at F.C.I. Berlin refuse to give the Plaintiff chronic care regarding his case of hepatitis c., because they claim that the Plaintiff's test results are not high enough for chronic care at this time. However, the outside doctor stated that the Plaintiff's hepatitis c., can attribute to cancer arising from the lump on his left shoulder. However, doctor Kisler, the Plaintiff's assigned doctor here at F.C.I. Berlin is refusing to provide the Plaintiff with chronic care regarding this health issue.

Exhibit "B" attached herein are requests from the Plaintiff to Health Services addressing each one of his health issues started from September 16, 2018, that was ongoing up until February 22, 2019. The Plaintiff has not received all of his medical records yet as of today that will further prove how he is being denied and/or delayed appropriate medical care regarding his health

issues. The Plaintiff have received a number of verbal negative responses at sick-call by doctor Kisler, and her common response to the Plaintiff addressing his health issues be, "you just got a deal with the pain." The Plaintiff is dealing with more than just pain and medical care neglect, the Plaintiff is dealing fear of death if he does not receive the surgery recommended by the outside doctor to remove the lump on his left shoulder; chronic care for his hepatitis c.; and surgery on his knee before its too late.

Exhibit "C" attached herein are test results that show the need for surgery on the Plaintiff's left knee. These test were taken here at F.C.I. Berlin and therefore, they are fully aware of the Plaintiff's need for surgery regarding his left knee. However, Doctor, Diane L. Kisler has refused to approve and schedule the Plaintiff for surgery. Doctor Diane L. Kisler's common response to this issue is that the Plaintiff just has to get use of the pain.

Exhibit "D" attached herein are Administrative Remedy Receipts from the Central Office in Washington, DC for all three Remedy Complaints that he has filed against Health Services here at F.C.I. Berlin for their refusal to provide the Plaintiff with the appropriate medical care. The Plaintiff is unable to identify each claim with the exact Remedy Number among the three listed on the front page of this motion because the printer here at F.C.I. Berlin was down at the time that the Plaintiff filed his BP-11 with the Central Office in Washington, DC so he filed it without making a copy of it for his personal records. However, the Plaintiff have attached each receipt from each remedy process, the BP-9; BP-10; and the BP-11 as proof to show that the Plaintiff has exhausted all his remedies. As of today, the Plaintiff never

received a response from Central Office in Washington, DC regarding his BP-11 and the Due Date for Remedy ID 954588-R1.., Date Received: October 30, 2018 and Response Due: November 29, 2018; Remedy ID 954590-R2.., Date Received: November 26, 2018 and Response Due: December 26, 2018; and Remedy ID 954592-R1 Date Received: October 30, 2018 Response Due: November 29, 2018.

Program Statement 1330.18 RESPONSE TIME §542.18, states in part: If the inmate does not receive a response within the time allotted for reply including extension, the inmate may consider the absence of a response to be a denial at that level. Therefore, the Plaintiff has considered his BP-11 Appeal Remedy as denied and has now moved forward by filing this motion with this Honorable Court, the next step after filing a BP-11 if the Plaintiff is not satisfied with its response.

The First Circuit Court of Appeals have determined that, "A medical need is 'serious' if it has been diagnosed by a physician as mandating treatment, or is so obvious that even a lay person would recognized a need for medical intervention." Leavitt v. Corr. Med. Servs., 645, F.3d at 497; Gaudreault v. Mun. of Salem, 923 F.2d 203, 208 (1st Cir. 1990). The Plaintiff health issues can be easily recognized by a lay person and thus, they would recognize the need for medical intervention.

For an impartial and fair decision by this Court concerning the seriousness of the Plaintiff's health that is deteriorating, a doctor should be requested to review the Plaintiff's test results on all three health issues so that this Court will have a detailed oral statement concerning the Plaintiff's health condition and need for medical intervention before making a ruling on this motion.

CONCLUSION

WHEREFORE, based on the above and attached exhibits, Broc T. Waltermeyer, respectfully request that this Honorable Court GRANT his motion for Preliminary Injunction relief and compel the defendants, to comply with Federal Rules and Regulations concerning Inmate's Rights under §541.12 "Inmates right to health care, medical treatment" under Code of Federal Regulations. Alternatively, grant an evidentiary hearing to resolve this matter. The Plaintiff is requesting that this Honorable issue an ORDER to compel the defendants to promptly provide the Broc T. Waltermeyer, with medical care that is urgent at this time based on all three of his health issues.

Respectfully submitted on this 4 day of March 2019.

Broc Waltermeyer #18002-047
 BROC T. WALTERMEYER #18002-047
 PRO SE REPRESENTATION

Broc T. Waltermeyer #18007-047
 F.C.I. Berlin
 Federal Correctional Institution
 P.O. Box 9000
 Berlin, NH 03570

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this foregoing instrument has been hand delivered to Warden, Robert Hazlewood; and Health Services Doctor, Diane L. Kisler on this 4 day of March 2019, here at F.C.I. Berlin.

**EXHIBIT
A**

1

Nichols Institute, Chantilly

PATIENT INFORMATION
WALTERMEYER, BROC

REPORT STATUS Final

DOB: 06/10/1972 Age: 45Y
SEX: MORDERING PHYSICIAN
DR., P. HARVEYSPECIMEN INFORMATION
SPECIMEN: CH379464R
REQUISITION: CH379464R
LAB REF NO: CH379464R

ID: 18002-047

CLIENT INFORMATION
722
FCI - OXFORD - OXFCOUNTY ROAD G AND ELK AVENUE
OXFORD, WI 53952COLLECTED: 08/01/2017 09:15
RECEIVED: 08/02/2017 19:50
REPORTED: 08/04/2017 15:44

207172404

COMMENTS: COPIA# 207172404

Test Name	In Range	Out of Range	Reference Range	Lab
HEPATITIS C, RNA, QUANTITATIVE, PCR				AMD
HEPATITIS C, RNA, QUANTITATIVE, PCR				
HCV RNA, PCR, QN		8503014 H	<15 IU/mL	
HCV RNA, PCR, QN		6.93 H	<1.18 log IU/mL	

Please note:

Due to character limitations of some clients' LIS systems, viral load values greater than 10 million are reported using scientific exponential notation. For example a result of 10 Million (10,000,000) is reported as 10.0E6 IU/mL or copies/mL. If your LIS will accept the number of characters required for viral loads greater than 10 million, please contact your local service representative to have this reporting convention changed.

This test was performed using the COBAS(R) AmpliPrep/COBAS(R) TaqMan(R) HCV Test, v2.0.

For more information on this test, go to
<http://education.questdiagnostics.com/faq/FAQ22v1>

The analytical performance characteristics of this assay have been determined by Quest Diagnostics Nichols Institute, Chantilly, VA. The modifications have not been cleared or approved by the FDA. This assay has been validated pursuant to the CLIA regulations and is used for clinical purposes.

Hepatitis C Viral RNA, Genotype, LiPA(R)
Hepatitis C Viral RNA, Genotype, LiPA(R)

AMD

PATIENT INFORMATION
WALTERMEYER, BROC

REPORT STATUS Final

Nichols Institute, Chantilly

ORDERING PHYSICIAN

DOB: 06/10/1972 Age: 45Y

DR., P. HARVEY

SEX: M

ID: 18002-047

COLLECTED: 08/01/2017 09:15

REPORTED: 08/04/2017 15:44

Test Name	In Range	Out of Range	Reference Range	Lab
Hepatitis C Viral RNA, Genotype, LiPA(R) (Continued)				
HCV Genotype, LiPA	1a			

The method used in this test is RT-PCR and reverse hybridization (Line Probe) of the 5' UTR and core region of the HCV genome.

This test was developed and its analytical performance characteristics have been determined by Quest Diagnostics Nichols Institute, Chantilly, VA. It has not been cleared or approved by the U.S. Food and Drug Administration. This assay has been validated pursuant to the CLIA regulations and is used for clinical purposes.

For more information on this test, go to
<http://education.questdiagnostics.com/faq/HCVGenotyping>

Performing Laboratory Information:

AMD QUEST DIAGNOSTICS INCORPORATED NICHOLS INSTITUTE 14225 NEWBROOK DR CHANTILLY VA 20151
Laboratory Director: Patrick W Mason, M.D., Ph.D.

EXHIBIT

B

1

TRULINCS 18002047 - WALTERMEYER, BROCC T - Unit: BER-A-A

FROM: Health Services
TO: 18002047
SUBJECT: RE:***Inmate to Staff Message***
DATE: 09/16/2018 05:17:01 PM

discuss your hepatitis at your lipoma appointment, if you think you
have a urinary tract infection, I can make you a sick appointment???

FCI/SCP Berlin
Health Services
Sick-Call: Mon,Tues,Thur,Fri
0600-0615 at SCP
0630-0645 at FCI
>>> ~^I"WALTERMEYER, ~^IBROCC T" <18002047@inmatemessage.com> 9/13/2018
3:21 PM >>>
To: Doctor kisler
Inmate Work Assignment: chapel

My pee is like ice tea color and it smells terrible can I get some
treatment for the hep c that I have had for twenty years? Please and
thank you God bless you

TRULINCS 18002047 - WALTERMEYER, BROC T - Unit: BER-A-A

FROM: Health Services
TO: 18002047
SUBJECT: RE:***Inmate to Staff Message***
DATE: 09/22/2018 02:27:02 PM

you have an appointment 9/25 at 9:30 with the doctor

FCI/SCP Berlin
Health Services
Sick-Call: Mon,Tues,Thur,Fri
0600-0615 at SCP
0630-0645 at FCI

>>> ~^I"WALTERMEYER, ~^IBROC T" <18002047@inmatemessage.com> 9/19/2018 11:06 AM >>>

To: Dr. Kistler

Inmate Work Assignment: chapel and suicide watch

I have been to sick call for all three of these health issues hep c,lipoma,knee pain in both of my knees so bad that I can not sleep and trouble walking and sitting for to long time in one spot with knees bent. I have been asking for knee pain meds have got nothing? I have been asking for Hep c treatment? Have got nothing? I have been asking for lipoma to be removed and nothing?

What do i need to do? I have talked with the doctor twice and now I am waiting to talk with her again and still nothing? Please some body help me with these problems? Thank you and God bless you

3

TRULINCS 18002047 - WALTERMEYER, BROCC T - Unit: BER-A-A

FROM: 18002047

TO: Health Services

SUBJECT: ***Request to Staff*** WALTERMEYER, BROCC, Reg# 18002047, BER-A-A

DATE: 08/30/2018 08:13:51 AM

To: Doctor

Inmate Work Assignment: chape & suicide watch

The lump I have on my shoulder, and my lipolma is getting bigger! It has taken over my whole shoulder and causing pain please help. Both of my knees are still in pain it hurts to sleep, walk sit! Please help me? Thank you and God bless you

4

TRULINCS 18002047 - WALTERMEYER, BROCC T - Unit: BER-A-A

FROM: Health Services
TO: 18002047
SUBJECT: RE:***Inmate to Staff Message***
DATE: 10/02/2018 05:27:02 PM

You are pending scheduling at this time

FCI/SCP Berlin
Health Services
Sick-Call: Mon,Tues,Thur,Fri
0600-0615 at SCP
0630-0645 at FCI

>>> ~^I"WALTERMEYER, ~^IBROCC T" <18002047@inmatemessage.com> 10/1/2018 11:28 AM >>>
To: Mr. Malcom
Inmate Work Assignment: chapel suicide watch

I have hep c and DR. Kistler says my counts are not high enough to get treatment. My pee stinks bad and is dark like ice tea and all my joints ache and my right knee is bone on bone on my left knee
I am waiting on MRI approval for my left knee and right knee waiting shots as well. Now I have never had treatment before for the hep c and would like Harvoni? For my knees I can not bend either one with weight on them over thirty degrees and shots make them feel better but would need them every month. Would like knee replacements. Please and thank you. I have been going through the motions from other facilities to take care of these chronic pain issues. Please help me. I have taken meds shoes knee braces shots nothing makes me be able to walk and not hurt or joints feel better or me being so tired all the time and my liver hurting on the top part.

5

TRULINCS 18002047 - WALTERMEYER, BROCC T - Unit: BER-A-A

FROM: Health Services
TO: 18002047
SUBJECT: RE:***Inmate to Staff Message***
DATE: 10/02/2018 05:22:02 PM

I am unsure if your Hep C is causing your joint pain. We cannot treat per the BOP until your viral load is at a certain level.

FCI/SCP Berlin
Health Services
Sick-Call: Mon,Tues,Thur,Fri
0600-0615 at SCP
0630-0645 at FCI

>>> ~^!"WALTERMEYER, ~^!BROCC T" <18002047@inmatemessage.com> 9/28/2018 4:08 PM >>>
To: Doctor Kistler
Inmate Work Assignment: suicide watch & chapel

Do you think my Hepc has anything to do with my sore joints? My energy level and pain? Hepc leads to cancer why would you wait to treat?

6

TRULINCS 18002047 - WALTERMEYER, BROC T - Unit: BER-A-A

FROM: Health Services
TO: 18002047
SUBJECT: RE:***Inmate to Staff Message***
DATE: 10/02/2018 05:27:02 PM

You are pending scheduling a this time

FCI/SCP Berlin
Health Services
Sick-Call: Mon,Tues,Thur,Fri
0600-0615 at SCP
0630-0645 at FCI

>>> ~^!"WALTERMEYER, ~^IBROC T" <18002047@inmatemessage.com> 10/1/2018 11:28 AM >>>
To: Mr. Malcom
Inmate Work Assignment: chapel suicide watch

I have hep c and DR. Kistler says my counts are not high enough to get treatment. My pee stinks bad and is dark like ice tea and all my joints ache and my right knee is bone on bone on my left knee
I am waiting on MRI approval for my left knee and right knee waiting shots as well. Now I have never had treatment before for the hep c and would like Harvoni? For my knees I can not bend either one with weight on them over thirty degrees and shots make them feel better but would need them every month. Would like knee replacements. Please and thank you. I have been going through the motions from other facilities to take care of these chronic pain issues. Please help me. I have taken meds shoes knee braces shots nothing makes me be able to walk and not hurt or joints feel better or me being so tired all the time and my liver hurting on the top part.

7

TRULINCS 18002047 - WALTERMEYER, BROCC T - Unit: BER-A-A

FROM: Health Services
TO: 18002047
SUBJECT: RE:***Inmate to Staff Message***
DATE: 10/03/2018 05:17:02 PM

The MRI was approved by the Region yesterday. You will be scheduled for the MRI then the orthopedic evaluation.

FCI/SCP Berlin
Health Services
Sick-Call: Mon,Tues,Thur,Fri
0600-0615 at SCP
0630-0645 at FCI

>>> ~^!"WALTERMEYER, ~^!BROCC T" <18002047@inmatemessage.com> 9/27/2018 12:04 PM >>>
To: J Elmore (HSA)
Inmate Work Assignment: chapel suicide watch

Dr Kistler told me on 9-25-18 that my right knee was bone on bone and that my left knee was waiting for approval for MRI and the HepC that I have was not bad enough and count levels were not high enough? Also that I would just half to get use to the pain? Also she was ordering shots for my knees as well. Can you please help in any way with these matters? Thank you an God be with you.

TRULINCS 18002047 - WALTERMEYER, BROCC T - Unit: BER-A-A

FROM: Health Services
TO: 18002047
SUBJECT: RE:***Inmate to Staff Message***
DATE: 10/12/2018 09:27:02 AM

she said no

FCI/SCP Berlin
Health Services
Sick-Call: Mon,Tues,Thur,Fri
0600-0615 at SCP
0630-0645 at FCI

>>> ~^!"WALTERMEYER, ~^!BROCC T" <18002047@inmatemessage.com> 10/8/2018 12:58 PM >>>
To: Doctor
Inmate Work Assignment: chapeel

I hve been wearinbg the black shoes you all gaveme to wear for about two months and I took them off and wore my sneakers and my knees feel a little better? Is their any way I could jut wear my sneakers until you all figure out what is going on with my knees? Please and thank you God bless you

TRULINCS 18002047 - WALTERMEYER, BROCC T - Unit: BER-A-A

FROM: Health Services
TO: 18002047
SUBJECT: RE:***Inmate to Staff Message***
DATE: 02/22/2019 02:17:02 PM

Your complex medical situation is currently being reviewed at this time.

FCI/SCP Berlin
Health Services
Sick-Call: Mon,Tues,Thur,Fri
0600-0615 at SCP
0630-0645 at FCI

>>> ~^!"WALTERMEYER, ~^!BROCC T" <18002047@inmatemessage.com> 2/22/2019 12:17 PM >>>
To: Mr Malcom
Inmate Work Assignment: orderly suicide watch

I have seen the doctor and not happy with her decisions on my knee, I have three pages of what is wrong with my knee from the MRI, It hurts when I sleep walk any function I do and yet all she wants to do is put me on meds I took deloxetine for a year for this problem, I am not going to take meds I have hep c there for the meds harm me, also when I take meds my stomach can not handle them, I have acid reflux so bad as it is. Also my shoulder with the huge lump that makes my fingers hand go numb and getting worse by the day because the doctor is not doing her job. I would like to request a new doctor, Kistler is clearly not doing her job. She asks me the same questions time and time again, she tells me I should just get used to the pain. Mr. Malcom please help me with these issues? I have spoken to the warden, please get these issues taken care of.

EXHIBIT

C

1

ANDROSCOGGIN VALLEY HOSPITAL
IMAGING SERVICES DEPARTMENT
59 PAGE HILL ROAD
BERLIN, NH 03570
(603) 326-5720

FCI Berlin

Pt. Name: WALTERMEYER, BROO
Ord. Practitioner: Diane L Kistler, DO
DOB: 06/10/1972 Age: 46
Acct: V024726630 Loc: IMAG
Exam Date: 12/07/18
Status: REG REF Sex: M
Record #: M096858

18002047

IMAGING INTERPRETATION

MRI Lower Ext Joint LT w/o Contr

EXAMINATION: Lower Ext Joint LT w/o Contr

CLINICAL HISTORY: LT KNEE R/O MENISCAL TEAR, INTERNAL DERANGEMENT OR LIGAMNETOUS TEAR

COMPARISON: None

TECHNIQUE: Routine noncontrast MRI of the Left knee was performed.

FINDINGS:

Menisci: Degenerative, predominantly horizontal tear of the body and posterior horn of the medial meniscus with displacement of a meniscal flap into the medial gutter. On a mid coronal slices, the lateral meniscus measures 16 to 19 mm in width, consistent with discoid meniscus. There is blunting and partial tearing of the free edge of the posterior horn of the lateral meniscus.

Ligaments and tendons: The anterior and posterior cruciate ligaments are intact. There is local mass effect on the superficial medial collateral ligament due to displaced meniscal material in the medial gutter.. The lateral collateral ligament complex is intact.

Extensor mechanism: The quadriceps tendon is intact. There is focally increased signal at the origin of the patellar tendon on the inferior margin of the patella with near fluid signal of some of the insertional fibers, consistent with tendinosis and low-grade partial tearing.. Mild edema of Hoffa's fat pad is presumably related to the presence of a small knee joint effusion..

Bones, cartilage and joint: Small knee joint effusion with synovial proliferation, consistent with synovitis. No acute fracture. Is marginal ossified formation with focal bone marrow edema involving osteophytes along the margins of the medial compartment.

Deep chondral fissuring versus chondral flap overlying the lateral patellar facet (series 702, image 16 and series 401, image 27). Deep chondral fissures versus ulceration of the medial patellar facet (series 72, image 21 and series 401, image 26). Focal deep partial thickness cartilage loss of the median ridge of the patella. The partial-thickness cartilage loss of the trochlea with a chondral flap of the medial trochlea (series 702, image 21 and additional chondral flap and chondral delamination of the trochlear groove (series 702, image 19 and 17). There is deep partial thickness cartilage loss and possibly in superimposed chondral delamination of the lateral trochlea.

Broad area of deep partial thickness cartilage loss of the central posterior weightbearing surface of the medial femoral condyle. Superficial partial thickness cartilage loss of the medial tibial plateau.

Page 1 of 3

- horizontal tear i
flap of medial meniscus
with tear of free
edge of posterior
lateral meniscus of the
left knee.

* medial meniscus will
need to be removed.

- No surgery needed
- physical therapy

Interim Solution

1) Chondroitin
Sulfate and
Glucosamine
Supplements

2) Knee bracing

3) No sports or
weight lifting

4) Pendulum exercises
2x1 day - 50 reps

Ultimate Solution:

① Knee total replacement

5) Anti-inflam
for pain

ANDROSCOGGIN VALLEY HOSPITAL
IMAGING SERVICES DEPARTMENT
59 PAGE HILL ROAD
BERLIN, NH 03570
(603) 326-5720

Pt. Name: WALTERMEYER, BROO
Ord. Practitioner: Diane L Kistler, DO
DOB: 06/10/1972 Age: 46
Acct: V024726630 Loc: IMAG
Exam Date: 12/07/18
Status: REG REF Sex: M
Record #: M096858

IMAGING INTERPRETATION
MRI Lower Ext Joint LT w/o Contr

Deep ulceration of the cartilage overlying the posterior weightbearing surface of the lateral femoral condyle with multifocal fissuring and delamination of the mesial aspect of the central weightbearing surface of the lateral femoral condyle and lateral tibial plateau.

Extra-articular: No Baker's cyst. Normal bulk and signal of the visualized muscles.

IMPRESSION:

1. Degenerative arthropathy of the knee. Features include multifocal chondral fissuring, chondral flaps, and delamination involving the patella and trochlea, as described. There is also a broad area of deep partial thickness cartilage loss of the posterior weightbearing surface of the medial femoral condyle, deep ulceration of the cartilage overlying the lateral femoral condyle and multifocal fissuring and delamination of both the lateral femoral condyle and lateral tibial plateau.
2. Extensive degenerative tearing of the medial meniscus, with a predominant horizontal component. There has been displacement of a meniscal flap into the medial gutter.
3. Discoid lateral meniscus with free edge tearing of the posterior horn.
4. Focal tendinosis and low-grade partial tearing at the origin of the patellar tendon on the inferior margin of the patella.
5. Small knee joint effusion with synovitis.

Electronically signed by: Jessica Sin, DH Radiology, at 12/7/2018 2:07 PM

Patient Address/Phone:
1 SUCCESS LOOP ROAD
NH 03570
(603)342-4000

Documented on 12/07/18 1407 by:
Jessica Sin, MD
Jessica Sin, MD

Report Status as of 12/07/18 1412:

3

ANDROSCOGGIN VALLEY HOSPITAL
IMAGING SERVICES DEPARTMENT
59 PAGE HILL ROAD
BERLIN, NH 03570
(603) 326-5720

Pt. Name: WALTERMEYER, BROO
Ord. Practitioner: Diane L Kistler, DO
DOB: 06/10/1972 Age: 46
Acct: V024726630 Loc: IMAG
Exam Date: 12/07/18
Status: REG REF Sex: M
Record #: M096858

IMAGING INTERPRETATION
MRI Lower Ext Joint LT w/o Contr

Signed

CC:
Diane L Kistler, DO
Debra A Perry, MD

**Bureau of Prisons
Health Services
Cosign/Review**

4

Inmate Name:	WALTERMEYER, BROCC T	Reg #:	18002-047
Date of Birth:	06/10/1972	Sex:	M
Scanned Date:	12/10/2018 06:48 EST	Race:	WHITE
		Facility:	BER

Reviewed by Kistler, D. DO, CD on 12/10/2018 10:28.

EXHIBIT
D

RECEIPT - ADMINISTRATIVE REMEDY

DATE: SEPTEMBER 26, 2018

FROM: ADMINISTRATIVE REMEDY COORDINATOR
BERLIN FCI

TO : BROCK T WALTERMEYER, 18002-047
BERLIN FCI UNT: A UNIT QTR: A01-132LH

THIS ACKNOWLEDGES THE RECEIPT OF THE ADMINISTRATIVE REMEDY REQUEST
IDENTIFIED BELOW:

REMEDY ID : 954588-F1
DATE RECEIVED : SEPTEMBER 25, 2018
RESPONSE DUE : OCTOBER 15, 2018
SUBJECT 1 : MEDICAL CARE - DELAY OR ACCESS TO
SUBJECT 2 :

EXTENSION OF TIME FOR RESPONSE - ADMINISTRATIVE REMEDY

DATE: OCTOBER 18, 2018

FROM: ADMINISTRATIVE REMEDY COORDINATOR
BERLIN FCI

TO : BROCK T WALTERMEYER, 18002-047
BERLIN FCI UNT: A UNIT QTR: A01-132LH

ADDITIONAL TIME IS NEEDED TO RESPOND TO THE ADMINISTRATIVE REMEDY REQUEST
IDENTIFIED BELOW. WE ARE EXTENDING THE TIME FOR RESPONSE AS PROVIDED
FOR IN THE ADMINISTRATIVE REMEDY PROGRAM STATEMENT.

REMEDY ID : 954588-F1
DATE RECEIVED : SEPTEMBER 25, 2018
RESPONSE DUE : NOVEMBER 4, 2018
SUBJECT 1 : MEDICAL CARE - DELAY OR ACCESS TO
SUBJECT 2 :

RECEIPT - ADMINISTRATIVE REMEDY

DATE: NOVEMBER 1, 2018

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTHEAST REGIONAL OFFICE

TO : BROCK T WALTERMEYER, 18002-047
BERLIN FCI UNT: A UNIT QTR: A01-132LH

THIS ACKNOWLEDGES THE RECEIPT OF THE REGIONAL APPEAL
IDENTIFIED BELOW:

REMEDY ID : 954588-R1
DATE RECEIVED : OCTOBER 30, 2018
RESPONSE DUE : NOVEMBER 29, 2018
SUBJECT 1 : MEDICAL CARE - DELAY OR ACCESS TO
SUBJECT 2 :

1.

RECEIPT - ADMINISTRATIVE REMEDY

DATE: SEPTEMBER 26, 2018

FROM: ADMINISTRATIVE REMEDY COORDINATOR
BERLIN FCI

TO : BROCK T WALTERMEYER, 18002-047
BERLIN FCI UNT: A UNIT QTR: A01-132LH

THIS ACKNOWLEDGES THE RECEIPT OF THE ADMINISTRATIVE REMEDY REQUEST
IDENTIFIED BELOW:

REMEDY ID : 954590-F1
DATE RECEIVED : SEPTEMBER 25, 2018
RESPONSE DUE : OCTOBER 15, 2018
SUBJECT 1 : MEDICAL CARE - DELAY OR ACCESS TO
SUBJECT 2 :

2.

EXTENSION OF TIME FOR RESPONSE - ADMINISTRATIVE REMEDY

DATE: OCTOBER 18, 2018

FROM: ADMINISTRATIVE REMEDY COORDINATOR
BERLIN FCI

TO : BROCK T WALTERMEYER, 18002-047
BERLIN FCI UNT: A UNIT QTR: A01-132LH

ADDITIONAL TIME IS NEEDED TO RESPOND TO THE ADMINISTRATIVE REMEDY REQUEST
IDENTIFIED BELOW. WE ARE EXTENDING THE TIME FOR RESPONSE AS PROVIDED
FOR IN THE ADMINISTRATIVE REMEDY PROGRAM STATEMENT.

REMEDY ID : 954590-F1
DATE RECEIVED : SEPTEMBER 25, 2018
RESPONSE DUE : NOVEMBER 4, 2018
SUBJECT 1 : MEDICAL CARE - DELAY OR ACCESS TO
SUBJECT 2 :

3.

RECEIPT - ADMINISTRATIVE REMEDY

DATE: NOVEMBER 29, 2018

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTHEAST REGIONAL OFFICE

TO : BROCC T WALTERMEYER, 18002-047
BERLIN FCI UNT: A UNIT QTR: A01-132LH

THIS ACKNOWLEDGES THE RECEIPT OF THE REGIONAL APPEAL
IDENTIFIED BELOW:

REMEDY ID : 954590-R2
DATE RECEIVED : NOVEMBER 26, 2018
RESPONSE DUE : DECEMBER 26, 2018
SUBJECT 1 : MEDICAL CARE - DELAY OR ACCESS TO
SUBJECT 2 :

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RECEIPT - ADMINISTRATIVE REMEDY

DATE: SEPTEMBER 26, 2018

FROM: ADMINISTRATIVE REMEDY COORDINATOR
BERLIN FCI

TO : BROC T WALTERMEYER, 18002-047
BERLIN FCI UNT: A UNIT QTR: A01-132LH

THIS ACKNOWLEDGES THE RECEIPT OF THE ADMINISTRATIVE REMEDY REQUEST
IDENTIFIED BELOW:

REMEDY ID : 954592-F1
DATE RECEIVED : SEPTEMBER 25, 2018
RESPONSE DUE : OCTOBER 15, 2018
SUBJECT 1 : MEDICAL CARE - DELAY OR ACCESS TO
SUBJECT 2 :

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EXTENSION OF TIME FOR RESPONSE - ADMINISTRATIVE REMEDY

DATE: OCTOBER 18, 2018

FROM: ADMINISTRATIVE REMEDY COORDINATOR
BERLIN FCI

TO : BROCK T WALTERMEYER, 18002-047
BERLIN FCI UNT: A UNIT QTR: A01-132LH

ADDITIONAL TIME IS NEEDED TO RESPOND TO THE ADMINISTRATIVE REMEDY REQUEST IDENTIFIED BELOW. WE ARE EXTENDING THE TIME FOR RESPONSE AS PROVIDED FOR IN THE ADMINISTRATIVE REMEDY PROGRAM STATEMENT.

REMEDY ID : 954592-F1
DATE RECEIVED : SEPTEMBER 25, 2018
RESPONSE DUE : NOVEMBER 4, 2018
SUBJECT 1 : MEDICAL CARE - DELAY OR ACCESS TO
SUBJECT 2 :

Ben Walter

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RECEIPT - ADMINISTRATIVE REMEDY

DATE: NOVEMBER 1, 2018

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTHEAST REGIONAL OFFICE

TO : BROCC T WALTERMEYER, 18002-047
BERLIN FCI UNT: A UNIT QTR: A01-132LH

THIS ACKNOWLEDGES THE RECEIPT OF THE REGIONAL APPEAL
IDENTIFIED BELOW:

REMEDY ID : 954592-R1
DATE RECEIVED : OCTOBER 30, 2018
RESPONSE DUE : NOVEMBER 29, 2018
SUBJECT 1 : MEDICAL CARE - DELAY OR ACCESS TO
SUBJECT 2 :